Judgment of the Court (Third Chamber) of 21 June 2012 (reference for a preliminary ruling from the Korkein hallinto-oikeus — Finland) — Proceedings brought by Marja-Liisa Susisalo, Olli Tuomaala, Merja Ritala

(Case C-84/11) [1]

(Article 49 TFEU — Freedom of establishment — Public health — Pharmacies — National licensing scheme for the operation of pharmacies — Establishment of branch pharmacies — Conditions which differ according to whether the pharmacy is a private pharmacy or a University of Helsinki pharmacy — University of Helsinki Pharmacy having specific tasks in connection with pharmacy teaching and pharmaceutical services)

(2012/C 250/09)

Language of the case: Finnish

Referring court

Korkein hallinto-oikeus

Parties in the main proceedings

Marja-Liisa Susisalo, Olli Tuomaala, Merja Ritala

Intervening party Helsingin yliopiston apteekki

Re:

Reference for a preliminary ruling — Korkein hallinto-oikeus — Interpretation of Articles 49 and 106(2) TFEU — Freedom of establishment — Licensing scheme for the operation of pharmacies — National law providing for a licensing scheme for the operation of pharmacies with conditions which are more favourable for University pharmacies than for private pharmacies — University Pharmacy having specific responsibilities relating to pharmacy teaching and to the supply of medicines

Operative part of the judgment

Article 49 TFEU must be interpreted as meaning that it does not preclude a national law, such as that at issue in the main proceedings, which provides for a licensing scheme for the operation of branch pharmacies specific to the Helsingin yliopiston apteekki which is more favourable than that applicable to private pharmacies, provided that — which is for the referring court to verify — the branches of the Helsingin yliopiston apteekki actually participate in the accomplishment of the specific tasks relating to the teaching of pharmacy students, research on pharmaceutical services and the manufacture of rare pharmaceutical preparations conferred on the latter by national law

[1] OJ C 145, 14.5.2011.

Judgment of the Court (Third Chamber) of 21 June 2012 — IFAW Internationaler Tierschutz-Fonds gGmbH v European Commission, Kingdom of Denmark, Republic of Finland, Kingdom of Sweden

(Case C-135/11 P) [1]

(Appeals — Public access to documents of the institutions — Regulation (EC) No 1049/2011 — Article 4(5) — Scope — Documents originating from a Member State — Objection by the Member State to disclosure of the documents — Extent of review by the institution and the European Union judicature of the Member State's reasons for objecting — Production of the document to the European Union judicature)

(2012/C 250/10)

Language of the case: English

Parties

Appellant: IFAW Internationaler Tierschutz-Fonds gGmbH (represented by: S. Crosby and S. Santoro, advocaten)

Other parties to the proceedings: European Commission (represented by: C. O'Reilly and P. Costa de Oliveira, acting as Agents), Kingdom of Denmark, Republic of Finland, Kingdom of Sweden

Re:

Appeal against the judgment of the General Court (Eighth Chamber) of 13 January 2011 in Case T-362/08 *IFAW Internationaler Tierschutz-Fonds* v *Commission* dismissing the application for the annulment of the Commission's decision of 19 June 2008 refusing in part to grant the applicant access to documents transmitted to the Commission by the German authorities in connection with a procedure for the declassification of a site protected under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7)

Operative part of the judgment

The Court:

1. *Sets aside the judgment of the General Court of the European Union of 13 January 2011 in Case T-362/08 IFAW Internationaler Tierschutz-Fonds v Commission;*

2. *Refers the case back to the General Court of the European Union for it to give judgment on the application brought by IFAW Internationaler Tierschutz-Fonds gGmbH for the annulment of the decision of the European Commission of 19 June 2008 refusing to grant it access to a document transmitted to the European Commission by the German authorities in connection with a procedure for the declassification of a site protected under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;*